

**REMARKS**

The Office Action mailed May 4, 2004 has been reviewed and carefully considered.

At the outset, applicant acknowledges the Examiner's indication of allowable subject matter in the present application. Specifically, claim 9 is allowed, claims 3-8 have been objected to as being dependent upon rejected base claims. Claims 10-15 would be allowable if re-written to overcome the 35 USC §112, second paragraph.

Claims 1, 3 and 10 have been amended. Claims 1 and 3-15 are pending in this application.

Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claims 10-15 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the dependency of claim 10 was to itself. Applicant has amended claim 10 to depend from claim 9. Withdrawal of the rejection is respectfully requested.

Claim 1 has been rejected under 35 USC §102(b) as being anticipated by Goldfarb et al. Claim 1 has been amended to include the retractable foot clip. Goldfarb et al. does not disclose or suggest this feature of applicants invention. Withdrawal of the rejection is respectfully requested.

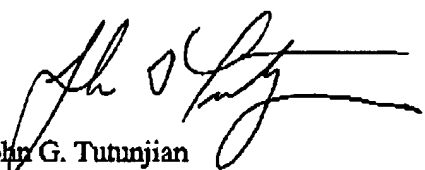
Claims 1 and 2 have been rejected under 35 USC 102(b) as being anticipated by Great Britain Patent Publication No. 2130495. In particular, the Examiner points to a "retractable clip 1(B): of the '495 patent. Applicant respectfully disagrees

with the Examiner on this point. The '495 patent at page 2, column 1, lines 56-59 clearly recites a "step 1B" which the toy figure rests upon. There is no disclosure or suggestion by the 495 patent to include retractable clips in the feet of the action figure to releasably secure the action figures's feet to a step or other part of the vehicle. As such, the '495 cannot anticipate applicant's claimed invention. Withdrawal of the rejection and early allowance on the merits is respectfully requested.

In view of the foregoing, Applicant respectfully requests that the rejections of the claims set forth in the Office Action of May 4, 2004 be withdrawn, that pending claims 1 and 3-15 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 50-1433.

Respectfully submitted,  
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